~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 30, 2013

**H. 3974**

Introduced by Reps. Loftis, Brannon, Burns, Erickson, Bannister, Barfield, Hamilton, Harrell, Henderson, Hosey, Murphy, G.M. Smith, G.R. Smith and J.R. Smith

S. Printed 5/30/13--S.

Read the first time April 30, 2013.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (H. 3974) to amend Section 12‑54‑240, as amended, Code of Laws of South Carolina, 1976, relating to the disclosure of records and returns filed with the Department of Revenue, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting SECTIONS 1 and 2.

Renumber sections to conform.

Amend title to conform.

HUGH K. LEATHERMAN, SR. for Committee.

**A** **BILL**

TO AMEND SECTION 12‑54‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCLOSURE OF RECORDS AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO ALLOW THE DISCLOSURE OF CERTAIN INFORMATION TO THE SECRETARY OF STATE ABOUT A TAXPAYER WHO FILED AN INITIAL OR FINAL CORPORATE RETURN; AND BY ADDING SECTION 12‑58‑165 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO EXPUNGE THE RECORDING OF A LIEN ONCE THE LIEN IS FULLY PAID AND SATISFIED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “Expungement Act of 2013”.

SECTION 2. Chapter 35, Title 15 of the 1976 Code is amended by adding:

“Article 13

Civil Expungement

Section 15‑35‑1100. Where summary judgment is granted to a defendant in a civil action on all causes of action brought against him in the action, or the causes of action are dismissed by consent of the parties, the court shall sua sponte order the name of the defendant be expunged from the public indices where it is recorded.”

SECTION 3. Section 12‑54‑240(B)(17) of the 1976 Code is amended to read:

“(17) disclosure of information to the Secretary of State about a taxpayer who filed an initial or final corporate return or failed to pay a tax or fee or file a return, where the Secretary of State has the power to dissolve administratively the taxpayer or to revoke the taxpayer’s authority to transact business in this State for failure to pay taxes or fees or file returns.”

SECTION 4. Chapter 58, Title 12 of the 1976 Code is amended by adding:

“Section 12‑58‑165. The department may take necessary action to expunge the recording of any lien imposed pursuant to Section 12‑54‑120, or any other provision authorizing the department to collect monies due, once the lien is fully paid and satisfied. If, upon investigation, the department determines that no taxes were due, the provisions of this section apply and the recorded lien may be expunged as if it were fully paid and satisfied.”

SECTION 5. This act takes effect upon approval by the Governor.

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